Notice of Allowability	Application No.	Applicant(s)	
	10/530,583	JACKSON, DAVID BRIAN	
	Examiner	Art Unit	
	HARESH N. PATEL	2454	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to *4/7/09*.

2. ☒ The allowed claim(s) is/are *1-13,15,24-37 and 44-47*.

3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____ .
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

 * Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.

5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

 Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).

6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date 6/18/2009
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date *6/18/09* .
7. ☒ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

/HARESH N PATEL/
Primary Examiner, Art Unit 2454

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

2. Authorization for this examiner's amendment was given in a telephone interview with Mr. Thomas M Isaacson on 6/18/2009.

3. The application has been amended as follows:

Amendments to the Claims

4. Please amend claims 1, 44-47 as follows:

Claim 1 (Currently Amended): A method of dynamically modifying resources within a compute environment comprising a plurality of compute nodes under common administrative control, the method comprising:

receiving a request for a reservation, at a current time, for resources in the compute environment at a future time;

monitoring events after receiving the request for the reservation for resources; and

based on the monitored events, dynamically modifying at least one of the request for resources and the compute

environment to process workload submitted within the reservation using a modified compute environment relative to a configuration of the compute environment when the request for the reservation [[was]] is received.

Claim 44 (Currently Amended): A computer-readable storage medium storing instructions for controlling a computing device to dynamically manage resources within a compute environment comprising a plurality of compute nodes under common administrative control, the instructions comprising:

receiving a request for a reservation, at a current time, for resources in the compute environment at a future time;

monitoring events after receiving the request for [[a]] the reservation for resources; and

based on the monitored events, dynamically modifying at least one of the request for resources and the compute environment to process workload submitted within the reservation using a modified compute environment relative to a configuration of the compute environment when the request for the reservation [[was]] is received.

Claim 45 (Currently Amended): A system for dynamically managing resources within a compute environment comprising a plurality of compute nodes under common administrative control, the system comprising:

hardware means for receiving a request for a reservation, at a current time, for resources in the compute environment at a future time;

hardware means for monitoring events after receiving the request for the reservation for resources; and

hardware means for, based on the monitored events, ~~means for~~ dynamically modifying at least one of the request for resources and the compute environment to process workload submitted within the reservation using a modified compute environment relative to a configuration of the compute environment when the request for the reservation [[was]] is received.

Claim 46 (Currently Amended): A system for dynamically managing resources within a compute environment comprising a plurality of compute nodes under common administrative control, the system comprising:

a processor;

a hardware module configured to control the processor to receive a request for a reservation, at a current time, for resources in the compute environment at a future time;

a hardware module configured to control the processor to monitor events after receiving the request for the reservation for resources; and

a hardware module configured to control the processor, based on the monitored events, to dynamically modify at least one of the request for the resources and the compute environment to process workload submitted within the reservation using a modified compute environment relative to a configuration of the compute environment when the request for the reservation [[was]] is received.

47. (Currently Amended) A compute environment comprising a plurality of computing devices under common administrative control, the compute environment having resources which are dynamically managed according to a method comprising:

receiving a request for a reservation, at a current time, for resources in the compute environment at a future time;

monitoring events after receiving the request for the reservation for resources; and

based on the monitored events, dynamically modifying at least one of the request for the resources and the compute environment to process workload submitted within the reservation using a modified compute environment relative to a configuration of the compute environment when the request for the reservation [[was]] is received.

Amendments to the Specification

5. Please amend second paragraph under "Related Applications" at page 1 of the specification as following:

--[0002] The present application is related to copending application 10/530,580, now abandoned, ~~Attorney Docket Numbers 010-0011A, 010-0011B, 010-0011C, 010-0013, 010-0019, 010-0026, 010-0028 and 010-0030~~ filed on the same day as the present application. The content of each of the[[se]] case[[s]] is incorporated herein by reference.--

Information Disclosure Statement

6. An initialed and dated copy of the applicant's IDS form 1449, dated 6/18/2009, is attached to the instant Office action. No references were provided with the IDS form for consideration.

Drawings

7. The drawings filed on 4/7/05 are acknowledged.

Allowable Subject Matter

8. Claims 1-13, 15, 24-30, 31-37, 44-47 are allowed.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Haresh Patel whose telephone number is (571) 272-3973. The examiner can normally be reached on Monday, Tuesday, Thursday and Friday from 10:00 am to 8:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan Flynn, can be reached at (571) 272-1915. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Haresh N. Patel/

Primary Examiner, Art Unit 2454

6/18/2009